

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHNNY MINES III,

Petitioner,

v.

CASE NO. 2:18-CV-549

CRIM. NO. 2:17-CR-00091

CHIEF JUDGE EDMUND A. SARGUS, JR.

Chief Magistrate Judge Elizabeth P. Deavers

UNITED STATES OF AMERICA,

Respondent.


OPINION AND ORDER

On January 16, 2019, the Magistrate Judge issued a *Report and Recommendation* recommending that Respondent's *Motion to Dismiss* (ECF No. 50) be granted and that the *Amended Motion to Vacate under 28 U.S.C. § 2255* (ECF Nos. 44, 51) be dismissed. (ECF No. 59.) Although the parties were advised of the right to file objections to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* (ECF No. 59) is **ADOPTED** and **AFFIRMED**. Respondent's *Motion to Dismiss* (ECF No. 50) is **GRANTED**. The *Amended Motion to Vacate under 28 U.S.C. § 2255* (ECF Nos. 44, 51) is hereby **DISMISSED**.

Petitioner has waived his right to appeal by failing to file objections. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Therefore, the Court **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.

 2-22-2019

EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE